

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KHAN QURESHI,
Plaintiff,
vs.
JANET NAPOLITANO, et al.
Defendants.

Case No.: 11-cv-05814-YGR

**ORDER STRIKING PLAINTIFF'S CROSS-
MOTION FOR SUMMARY JUDGMENT AND
OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

On April 24, 2012, Plaintiff's counsel filed a Notice of Motion, Cross-Motion for Summary Judgment and Memorandum of Points and Authorities in Support Thereof; and Opposition to Defendants' Motion for Summary Judgment. (Dkt. No. 26 ("Cross-Motion and Opposition").) The Court hereby **STRIKES** Plaintiff's Cross-Motion and Opposition for failure to comply with this Court's Standing Order in Civil Cases ("Standing Order") and Civil Local Rules ("Civ. L.R.") 7-2, 7-3 & 7-5 and **ORDERS** Plaintiff to re-file the Cross-Motion and Opposition by no later than May 4, 2012.

The Court’s Standing Order at Section 9 lays out the practice for motions for summary judgment. In the Order Denying Defendants’ Motion to Dismiss, the Court waived its pre-conference and letter brief requirements under Section 9(a), but stated that the parties shall otherwise comply with Section 9. (Dkt. No. 19 (“MTD Order”) at 9.) The Standing Order clearly states that a separate statement of material facts is required if any party moves for summary judgment and that a responsive separate statement is required for a party opposing summary judgment. *See* Section 9(c). The subsection relating to cross-motions does not change the requirement of separate statements. *See* Section 9(d).

1 Further, Plaintiff's counsel was warned in the Court's Order Denying Defendants' Motion to
2 Dismiss that attaching exhibits directly to briefs is improper under the Local Rules. (MTD Order at 6
3 n.4.) Such exhibits must be properly authenticated by an affidavit or declaration pursuant to Civ. L.R.
4 7-2, 7-3 & 7-5. The Court also stated that "[t]he parties shall further comply with the Local Rules
5 regarding . . . the use of affidavits or declarations." (MTD Order at 9.)

6 In addition to re-filing the Cross-Motion and Opposition by May 4, 2012, Plaintiff's counsel is
7 further **ORDERED** to file a certification with the Court that she has reviewed this Court's Standing
8 Order in Civil Cases and the Civil Local Rules regarding motion practice. If Plaintiff re-files by May
9 4, 2012, Defendants shall have until May 11, 2012 to reply to Plaintiff's Cross-Motion and
10 Opposition.

11 Should Plaintiff's counsel persist in repeated failures to follow the rules for practicing in this
12 Court, an Order to Show Cause will issue.

13 **IT IS SO ORDERED.**

14
15 Dated: April 27, 2012

16 
17 YVONNE GONZALEZ ROGERS
18 UNITED STATES DISTRICT COURT JUDGE